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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/733,405	12/08/2000	Brian Pollock	S01.12-0643/STL 9408	1870
7590	01/11/2005		EXAMINER	
Brian D. Kaul Westman, Champlin & Kelly Suite 1600, International Centre 900 Second Avenue South Minneapolis, MN 55402-3319			SNIEZEK, ANDREW L	
			ART UNIT	PAPER NUMBER
			2651	
DATE MAILED: 01/11/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/733,405	POLLOCK ET AL.	
	Examiner	Art Unit	
	Andrew L. Sniezek	2651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 26 July 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 6-9, 11-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 25 and 26 is/are allowed.
- 6) Claim(s) 6-8 and 11-24 is/are rejected.
- 7) Claim(s) 9 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office.
2. Claims 11-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Akagi et al. The specifics of this rejection are incorporated herein from paragraph 4 of the office action mailed 10/07/03. Additionally claims 11 and 15 have been amended to include "discrete compensation values provided for each real track". These features are satisfied by column 5, lines 43-52 in which deviations at each servo sector are stored and are used when the head controlled (positioned) as described in column 4, lines 17-41.
3. Claims 6-8, 16-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Hasegawa et al.

The specifics of this rejection are incorporated herein from paragraph 3 of the office action mailed 4/6/04

Claim Objections

4. Claims 23 and 24 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claims 23-24 depend from claim 1 which has been cancelled. Examiner will consider these claims to depend on claim 22 in any art rejections.

Claim Rejections - 35 USC § 103

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
6. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hasegawa et al. in view of applicants admitted prior art as disclosed under the background of the invention of the present application.

The specifics of this rejection are incorporated herein from paragraph 6 of the office action mailed 4/6/04.

7. Claims 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hasegawa et al. in view of Kroiss (4,371,960)
Hasegawa et al. teaches a servo control loop (figure 7) that is responsive to a reference signal (figure 19, TARGET input) comprising a servo controller (61), an actuator (VCM), a transducer (13) and a compensation circuitry (40, 41, 50) which operates as claimed. The claimed demodulator as set forth although not specifically taught by Hasegawa et al. is well known in the art to convert a raw signal into a signal useable for servo control. It would have been obvious to one of ordinary skill in the art to incorporate such a demodulator as taught by Kroiss in the device of Hasegawa et al. to allow for proper servo control. As seen from figure 7, the compensation signal output by unit (50) is added/subtracted from output signal from unit (20), satisfying the limitations of claims 22 and 23.

Allowable Subject Matter

8. Claims 25-26 are allowed.

9. Claim 9 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. The following is a statement of reasons for the indication of allowable subject matter: The claimed method as set forth in claim 25 and claim 9/6 that identifies each virtual track of each disk bases upon their position relative to the reference position to enable the drive to operate in a cylinder mode is neither taught by nor an obvious variation of the art of record.

Response to Arguments

11. Applicant's arguments filed 7/26/04 have been fully considered but they are not persuasive. Concerning claims 11-15 see corresponding rejection. Concerning claims 6-9 and 16-20; it is clear from column 13 of Hasegawa et al. that the compensation equation is only an example of one equation for one track (track 8) of a given disk and that from the overall reading of this reference plural compensation equations exists, see for example only figure 13A and limitations of the claims which discusses plural disks and plural paths.

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

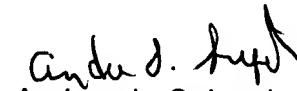
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew L. Sniezek whose telephone number is 703-308-1602. The examiner can normally be reached on Mon.-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh N Tran can be reached on 703-305-4040. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Andrew L. Sniezek
Primary Examiner
Art Unit 2651

A.L.S.
01/10/05